

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA

v.

JEFFREY EVERETT ROBERTS,

Defendant.

CRIMINAL ACTION FILE

NO. 1:17-CR-183-MHC-RGV

ORDER

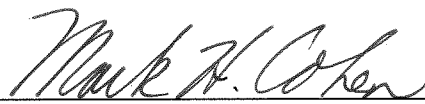
This case is before the Court on the Final Report and Recommendation of the Magistrate Judge [Doc. 41] recommending that Defendant's Motion to Dismiss Count One [Doc. 32] and Motion to Dismiss Charges Due to the Government's Destruction of Exculpatory Evidence [Doc. 33] be denied. The Order for Service of the R&R [Doc. 42] provided notice that, in accordance with 28 U.S.C. § 636(b)(1), the parties were authorized to file objections within fourteen (14) days of the receipt of that Order. See also FED. R. CRIM. P. 59(a). No objections have been filed to the Report and Recommendation. Absent objection, the district court judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge," 28 U.S.C. § 636(b)(1) (2012).

The Court has reviewed the R&R and finds no clear error and that the R&R is supported by law.

The Court **APPROVES AND ADOPTS** the Report and Recommendation [Doc. 41] as the judgment of the Court. It is hereby **ORDERED** that Defendant's Motion to Dismiss Count One [Doc. 32] and Motion to Dismiss Charges Due to the Government's Destruction of Exculpatory Evidence [Doc. 33] are **DENIED**.

It is further **ORDERED** that the time between the date the Magistrate Judge certified Defendant ready for trial on November 30, 2017, and the issuance of this Order, shall be excluded in calculating the date on which the trial of this case must commence under the Speedy Trial Act because the Court finds that the delay is for good cause, and the interests of justice in considering Defendant's objections to the Report and Recommendation outweigh the right of the public and the right of the defendant to a speedy trial, pursuant to 18 U.S.C. § 3161, *et seq.*

IT IS SO ORDERED this 11th day of January, 2018.



MARK H. COHEN
United States District Judge